

**United States Bankruptcy Court
District of Minnesota**

In re:

GARY WARD ATKINSON,

Debtor

Chapter 13 Case

Case Number BKY. 18-32633

AGREED ORDER

This case is before the court on the motion of Cenlar, FSB as servicer for CitiMortgage, Inc., servicer for U.S. Bank National Association as trustee for CMALT REMIC 2007-A7 - REMIC Pass-Through Certificates Series 2007-A7 for relief from the automatic stay imposed by 11 U.S.C § 362. Based on the motion, mediation, the file and the agreement of the Debtor and the Movant,

1. Movant or Movant's counsel will provide Debtor or Debtor's counsel with loan modification application instructions.
2. The Debtor agrees to apply for a loan modification within 45 days of receipt of application instructions from Movant or Movants counsel.
3. Movant will abide by the express terms of the confirmed Chapter 13 plan, docket 19.
4. In the event that the Debtor fails to submit an application within 45 days of receipt of the instructions from Movant or Movants counsel, Movant or its counsel may serve upon the Debtor and the Debtor's attorney a Notice of Default indicating the default and stating that unless default is cured within ten (10) days after service of the Notice of Default by U.S. Mail, Movant shall apply for relief from the automatic stay *ex parte*.
5. In the event that the Debtor does not cure the default in accordance with the Notice of Default, Movant or its counsel may provide the court with an Affidavit. The Affidavit shall state that service of the Notice of Default was sent to the Debtor and the Debtor's attorney, and that the Debtor failed to cure the default within ten (10) days after service of the Notice of Default by U.S. Mail. Upon the filing of the Affidavit by Movant or its counsel, Movant may be granted an order lifting the automatic stay *ex parte*.
6. Movant and Debtor do not waive any rights, remedies or defenses under applicable non-bankruptcy law with respect to the following property:

Lot 3, Block 1, Woodbury Pines 1st Addition, Washington County, Minnesota Abstract Property.

IT IS ORDERED:

The Motion is denied without prejudice.

Dated: March 25, 2022

/e/ Katherine A. Constantine

Katherine A. Constantine
United States Bankruptcy Judge

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 03/25/2022 Tricia Pepin, Clerk, by CG
